



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,828	11/01/2000	Masayuki Takahashi	1858-23	1068
23117	7590	10/22/2003		
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714				
			EXAMINER SANDERS, KRIELLION ANTIONETTE	
			ART UNIT 1714	PAPER NUMBER

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,828

Applicant(s)

TAKAHASHI ET AL.

Examiner

Kriellion A. Sanders

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1714

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP
3. Patent No 56,062,835 or EP 449,685. The references are considered to be equivalents.
4. This rejection is repeated for reason set forth in the previous office action.
5. The EP '835 patent discloses polyolefin compositions comprising a hindered amine photostabilizer and an hydroxy benzoic acid ester corresponding to the compound of applicant's formula (I). The additive components are employed at amounts that directly correspond to the amounts of additives used in applicant's invention. More specifically, the EP '685 patent discloses polypropylene compositions comprising an inorganic filler component, wherein said polypropylene/filler composition is stabilized by incorporating a hindered amine photostabilizer, an hydroxy benzoic acid ester corresponding to the compound of applicant's formula (I) and a pentaerythritol diphosphite stabilizer that directly corresponds to the compound of applicant's formulae as set forth in claim 7. Patentee further indicates that pigments may be included in the compositions. Patentee indicates that the resulting compositions are useful as materials for parts, which are exposed to heat, including automobile parts. See page 7, lines 25-27 and lines 34-40. The additive components are employed at amounts that directly correspond to the amounts of additives used in applicant's invention.

Art Unit: 1714

6. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to formulate a polyolefin composition comprising a hindered amine photostabilizer and hydroxybenzoic acid ester in the manner disclosed by the EEP patent and subsequently formulate these compositions into any molded article including parts for automobile interiors absent a clear showing of unexpected results attributable to such an end use.

7. It also would have been obvious to one of ordinary skill in the art at the time of applicant's invention to select particular parameters from the patented disclosure such as weight ratios of components and specific species of components in the absence of a clear showing of unexpected results attributable to such parameters.

8. Applicant's arguments mailed 7-30-03 have been fully considered but they are not persuasive.

Applicant argues that the rejection is improper in that the hindered amine photostabilizer of the patented and present inventions differ. Applicant states that the hindered amines of the present claims possess 1,2,2,6,6-pentamethyl-4-piperidyl groups (N-CH₃ groups) whereas the hindered amines of JP '835 possess N-H type piperidyl moieties.

This argument has not been found to be persuasive in that the hindered amine species of the present and patented inventions are related as next adjacent homologues. In view of their structural similarities they are expected to possess similar properties and thus considered interchangeable in the art. It would have been obvious to the ordinary practitioner of this art at the time of applicant's invention to utilize the very well recognized 1,2,2,6,6-pentamethyl-4-piperidyl groups (possessing N-CH₃ groups) in lieu

of the 2,2,6,6-tetramethyl-4-piperidyl groups (possessing N-H groups of JP '835 with the expectation of achieving analogous results.

9. Rejections not explicitly repeated herein are withdrawn in view of applicant's amendment and/or remarks.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

ks



Kriellion A. Sanders
Primary Examiner
Art Unit 1714